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In re Application of

Lettkeman et al.

Serial No.: 10/511,499

PCT No.: PCT/US03/09397

Int. Filing Date: 27 March 2003

Priority Date: 27 March 2002

Attorney's Docket No.: 2033.67347

For: HIGH MOLECULAR WEIGHT ADDITIVES

FOR CALCINED GYPSUM AND

CEMENTITIOUS COMPOSITIONS

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 15 October 2004.

BACKGROUND

On 27 March 2003, applicants filed international application PCT/US03/09397, which claimed priority of an earlier United States provisional application filed 27 March 2002. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 27 September 2004.

On 15 October 2004, applicants filed the current petition along with a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, the petition to revive, a check for the petition to revive and a check for the basic national fee. These papers were assigned Application No. 10/511,499.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of \$55

Applicants have provided the required statement, a proper reply and the petition fee. Therefore, the petition to revive is **GRANTED**.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the national stage office for preparation of a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) having a date of 15 October 2004 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).



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